## IDAHO BOARD OF COSMETOLOGY

# Bureau of Occupational Licenses 700 West State Street, P.O. Box 83720 Boise, ID 83720-0063

## **Board Meeting Minutes of 2/6/2012**

**BOARD MEMBERS PRESENT:** Mary Lambert - Chair

Bonnie D. Sermon Linda Swope Debra J Hummel Merrilyn Cleland

BUREAU STAFF: Tana Cory, Bureau Chief

Dawn Hall, Administrative Support Manager

Lori Peel, Investigative Unit Manager Maurie Ellsworth, Legal Counsel

Eric Nelson, Prosecutor

Kim Aksamit, Technical Records Specialist I

**OTHERS PRESENT:** Bonnie Rowe, Wendy Florence, Kathleen

Walters, Stacey Johnson, EB Scholes, Jr, Ronda Clark, Sue Plagge, Kathy Hopkins, Phil Scott, Jennifer Rodgers, LaDonn Goodfellow, Tyler Price, Marie Gentle, Rick Evans, Ryan Evans, Lori Evans, Peggy Foster, Justina Foster, Nancy Roland, Laurie Rowen, George

Brunt, Jessica Clark, and Ty Walker

The meeting was called to order at 8:30 AM MST by Mary Lambert.

## APPROVAL OF MINUTES

A motion was made by Ms. Hummel to accept the minutes from October 3, 2011; November 15, 2011; December 19, 2011; and January 23, 2012. Seconded by Ms. Sermon, motion carried.

## LEGISLATIVE REPORT

Ms. Cory updated the Board on its fee decrease rules. The legislature approved the rules and they will go into effect when the Pro Tem and Speaker sign the concurrent resolution on rules this is generally toward the end of the session.

#### FINANCIAL REPORT

Ms. Hall gave the financial report. This report is available on the website. As of 01/31/2012, the Board has \$301,747.82, in expenditures with a cash balance of \$1,581,069.03.

## DISCIPLINE

Eric Nelson, Board Prosecutor, presented to the Board a Memorandum and several consent orders.

COS-2010-47 The Board made recommendations to the Prosecutor to move forward regarding appropriate sanctions for discipline.

COS-2012-1 A motion was made by Ms. Cleland to authorize closure with a warning letter. Seconded by Ms. Sermon, motion carried.

COS-2011-16/17, COS-2011-88, COS-2011-89/90, COS-2011-121, COS-2011-122, COS-2011-140/141, COS-2011-152, COS-2011-156/157, COS-2011-200, & COS-2012-2

A motion was made by Ms. Cleland to accept the Stipulation and Consent Orders as signed and authorize Ms. Lambert to sign on behalf of the Board. Seconded by Ms. Swope, motion carried.

COS-2011-146/147- A motion was made by Ms. Cleland to accept the Stipulation and Consent Order as signed and authorize Ms. Lambert to sign on behalf of the Board with the exception of the strike through on the probation. Seconded by Ms. Swope, motion carried.

# **INVESTIGATIVE REPORT**

Ms. Peel presented the investigative report.

## FOR BOARD DETERMINATION

I-COS-2010-203, I-COS-2010-278 AND I-COS-2011-136, I-COS-2010-298, I-COS-2011-112, I-COS-2011-113, I-COS-2011-119 AND I-COS-2011-120,I-COS-2011-142, I-COS-2011-241 AND I-COS-2011-242, I-COS-2012-2, I-COS-2012-7, I-COS-2012-16 AND I-COS-2012-17, I-COS-2012-18 AND I-COS-2012-19, I-COS-2012-23, I-COS-2012-25, I-COS-2012-39

A motion was made by Ms. Hummel to accept the recommendations of the Bureau to authorize closure with warning letters as indicated. Seconded by Ms. Cleland, motion carried.

## REQUEST FOR PAYMENT EXTENSION

COS-2010-15- A motion was made by Ms. Sermon to accept the payment extension for Sheri Dressel as outlined in her request. Seconded by Ms. Swope, motion carried.

## **DISCIPLINARY ACTION**

Ms. Peel presented to the Board several Settlement Orders:

COS-2011-205/206, COS-2012-11, COS-2012-26/27, COS-2012-28, COS-2012-29, COS-2012-30/31, COS-2012-39/40, COS-2012-47, COS-2012-48, COS-2012-52/53, COS-2012-55/56, COS-2012-57/58, COS-2012-59, COS-2012-60/61, COS-2012-62/63, COS-2012-64/65 COS-2012-66/67, COS-2012-69, COS-2012-70, COS-2012-73, COS-2012-77/78, COS-22012-79/80, COS-2012-81, COS-2012-82/83, COS-2012-84/85, COS-2012-86/87, COS-2012-88/89, COS-2012-90

A motion was made by Ms. Swope to accept the Settlement Orders as signed and authorize Ms. Lambert to sign on behalf of the Board. Seconded by Ms. Sermon, motion carried.

## **MEMORANDUM**

Ms. Peel presented a memorandum.

COS-2012-49 A motion was made by Ms. Hummel to authorize closure with a warning letter. Seconded by Ms. Cleland, motion carried.

COS-2012-50 and COS-2012-51 The Board gave the Bureau guidance regarding appropriate discipline.

COS-2012-74 The Board gave guidance to continue regarding appropriate discipline.

#### E-MAIL FROM THE U.S. DEPARTMENT OF EDUCATION

Mr. Ellsworth updated the Board on the request made by some of the School Owners at the last meeting. The School Owner's requested a letter stating they were approved to teach post-secondary education; however, the U.S. Department of Education is aware that the cosmetology schools are under the Idaho Board of Cosmetology and the Bureau of Occupational Licenses and that suffices for the regulations regarding post-secondary education.

#### **OLD BUSINESS**

#### SUBCOMMITTEE

Ms. Hummel presented a report regarding lowering the number of hours required for licensing. She recommended no change at this time.

#### **NEW BUSINESS**

#### PUBLIC COMMENT

Wendy C Florence with Academy Di Firenze voiced her concerns and stated that she was against lowering the hours.

Mr. Scott with Toni and Guy addressed the Board and stated that he was in favor of lowering the hours.

Mr. Brunt, Chairman of the School Owners Association, informed the Board that the Association will not be taking any action at this time on recommending lower hours because it is an unclear issue.

Ms. Foster with Headmaster School of Hair Design addressed the Board regarding the lowering of hours and said that it should be looked at very carefully.

Ms. Foster also addressed the Board regarding Washington's separate licenses and wanted direction from the Board on how an applicant who is getting licensed as a cosmetologist in Idaho could also take the nail technology exam so they could get licensed in Washington. Ms. Foster said they don't need to get a license in Idaho they just need to take the exam and show Washington that they took it. The Board said that a Cosmetology license in Idaho allows for the practice of nail technology, but to check with DL Roope Administration regarding the examination process.

Ms. Cleland discussed the mandatory continuing education that some other states have and said that is why other states have lower hours than Idaho. The reason why these other states have 1600 hours is because it is mandatory for them to attend classes to maintain licensure after graduation. These classes consist of hair shows and the licensees are the ones that pay for these shows, not the state. Ms. Cleland also noted that Idaho cannot compare those other states with Idaho's requirements.

After discussion, the Board stated that the cosmetology education hours will remain at 2000.

## CONTIGUOUS LICENSES

Ms. Sermon addressed the Board stating that licensees have approached her regarding the fee and having to apply for a new contiguous license when a shop owner has decided to move to a new location. She was wondering if anything can be done so they don't have to pay twice. The Board stated that this is the cost of doing business and working for themselves. If they are just moving stations within the salon and they have a current contiguous for that salon, they do not have to pay a new fee but do need to send in a new application. If they are moving to a new salon or the salon owner is moving the salon to a new location, they will need to send in a new application with a new fee.

#### **BREAK**

# **CORRESPONDENCE**

Tana updated the Board on an e-mail from Tyler Price with Austin Kade Academy submitted in follow up to last meeting's discussion on a symposium. Ms. Cory stated that she followed up with Mr. Price and he is looking at some alternative approaches for funding.

The Board reviewed information from DL Roope Administration regarding the pass and fail rate for the Idaho schools.

Information from the U.S. Department of Labor's Occupational Safety and Health Administration was reviewed in regards to an updated hazard alert on formaldehyde dangers to hair salon owners and workers after new agency findings and a U.S. Food and Drug Administration warning letter was issued.

No action taken.

#### **EXECUTIVE SESSION**

A motion was made by Ms. Swope to go into executive session per Idaho Code 67-2345 (1) (d), to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to discuss licensure applications. Seconded by Ms. Cleland, motion carried. Individual vote was: Ms. Lambert, aye; Ms. Cleland, aye; Ms. Hummel, aye; Ms. Sermon, aye; and Ms. Swope, aye.

A motion was made by Ms. Swope to come out of executive session. Seconded by Ms. Cleland, motion carried. Individual vote was: Ms. Swope, aye; Ms. Hummel, Ms. Cleland; Ms. Sermon, aye; and Ms. Lambert, aye.

A motion was made by Ms. Hummel to go into executive session per Idaho Code 67-2345 (1) (f), to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

Seconded by Ms. Cleland, motion carried. Individual vote was: Ms. Lambert, aye; Ms. Cleland, aye; Ms. Hummel, aye; Ms. Sermon, aye; and Ms. Swope, aye.

A motion was made by Ms. Swope to come out of executive session. Seconded by Ms. Cleland, motion carried. Individual vote was: Ms. Swope, aye; Ms. Hummel, Ms. Cleland; Ms. Sermon, aye; and Ms. Lambert, aye.

## **ECHO S. LUNDEBERG**

Ms. Lundeberg addressed the Board as required by a previous disciplinary order.

Ms. Lambert asked Ms. Lundeberg what changes she is making in her salon to avoid the conduct that led to her violations.

Ms. Lundeberg says she is: (1) rewriting business policies, (2) ensuring proper licensure of employees, (3) rewriting the release form, (4) informing customers up front about anticipated costs, and (5) creating better procedures for use of chemicals.

## **APPLICATIONS**

A motion was made by Ms. Cleland to have applicant 901103055 take 500 hours of student teaching in a school of cosmetology to obtain an instructors license. Seconded by Ms. Hummel, motion carried.

A motion was made by Ms. Sermon to accept the application for applicant 901072841 and issue him a license once he has met the requirements for licensure. Seconded by Ms. Swope motion carried.

A motion was made by Ms. Sermon to accept the apprenticeship application for Julet Anna Htoo at LA Nails. Seconded by Ms. Cleland, motion carried.

A motion was made by Ms. Sermon to accept the apprenticeship application for Nghi Nguyen at Luxury Nails and Spa. Seconded by Ms. Cleland, motion carried.

A motion was made by Ms. Cleland to accept the application for Thuy Bich Le and to issue her a license. Seconded by Ms. Sermon, motion carried.

A motion was made by Ms. Hummel request additional information for applicant 901115278 regarding training in nail technology. Seconded by Ms. Swope, motion carried.

A motion was made by Ms. Swope to have applicant 901119296 complete an additional 800 hours to be eligible to take the examination for a cosmetology license. Seconded by Ms. Hummel, motion carried.

A motion was made by Ms. Cleland to accept the application for applicant 901119925 and issue a license once the required hours are received. Seconded by Ms. Sermon, motion carried.

# **NEXT MEETING**

The Board scheduled its next meeting for June 4, 2012 at 8:30 AM MDT at the Bureau of Occupational Licenses 700 West State Street Boise, Idaho 83702.

## **ADJOURN**

A motion was made by Ms. Swope to adjourn the meeting at 12:15 PM MST. Seconded by Ms. Hummel, motion carried. Individual vote was: Ms. Lambert, aye; Ms. Cleland, aye; Ms. Sermon, aye; Ms. Hummel, aye; and Ms. Swope, aye.

Mary Lambert, Chair	Bonnie D. Sermon
Linda Swope	Debra J Hummel
Merrilyn Cleland	Tana Cory, Bureau Chief